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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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BANGLADESH: Government escalates extrajudicial executions declaring 'war on drugs'

The Asian Legal Resource Centre (ALRC) requests the attention of the Human Rights Council to the pattern of extrajudicial executions in Bangladesh. The incumbent government of Bangladesh has escalated extrajudicial executions in the country with new excuses.

Back in 2004, extrajudicial executions were made an official tool with the excuse of 'controlling crime'. The law-enforcement agencies keep using the extrajudicial means for eliminating the opposition activists, and others, fitting to the requirements of the ruling party of the day. Successive governments actively contributed to the process of institutionalizing this crime with impunity to the perpetrators. The key perpetrators, who should have been held for command responsibilities, have been rewarded in various forms. As a result, the law-enforcement agencies have been available for hire to assassinate people. High amount of monetary payments to the law-enforcement agencies could guarantee the elimination of a rival – in political or financial disputes.

Since the July 2016 extremist attack at a restaurant in Dhaka the law-enforcement agencies have been killing people, including women and children, in the pretext of 'eliminating Islamic militancy' without credible investigations before and after such operations were conducted, bypassing the criminal justice mechanisms of the country.

Case-1: On 28 March 2017 at around 1:30 am, a team of the Special Weapons And Tactics (SWAT) and a team from the Counter Terrorism and Transnational Crime Unit (CTTCU) of the Police cordoned off a two-storied residential house for 36 hours. The house, which the law-enforcement agencies termed as 'militants' den', was located at Borohat Abushah Baitul Madrassa Road at Nasirnagar in Moulvabazar. The law-enforcement agencies conducted 'Operation Hit Back' on the building. Later, the police recovered the bodies of seven persons from the house. The Police said that in the afternoon on March 29, the 'extremists' might have killed themselves by 'blowing up suicide vests'. Among the seven bodies recovered after the 'Operation Hit Back', four were of children. Of them, one was an infant, one was a two-year old, one was a seven-year old and another was a 10-year old. Two women were also found killed at the scene; of them, one was aged about 20-25 and the other woman was 35 years of age. The deceased man was also 35 years old.

Case-2: In another incident, on 11 May 2017, the law-enforcement agencies claimed that six suspected militants were allegedly killed when they blew up themselves with 'suicide vest' at Godagari of Rajshahi district. After conducting an operation titled "Sun Devil" the police made this claim. According to the police, a family of 'militants' was found residing in a tin-shed house. The deceased were Sajjad Ali (50), his wife Beli,(40), their sons Al Amin (30), and Mojaiyad (25), and their daughter Karima (28). The other deceased was Abdul Matin, a firefighter. According to the local people, Sajjad was a rural hawker, who used to sell cloths, and his two sons were agricultural workers.

Bangladesh's law-enforcement agencies have claimed a unique pattern of militancy where the alleged militants blow up themselves with their family members including wife and minor children instead of using their 'suicide vests' in crowded public places such as railway stations, shopping malls, stadiums, or bus terminals. Such claims are unprecedented in the recent history of militancy in the Asian region.

All killings in the pretext of 'fighting militancy' appears to be taken for granted as the government or the law-enforcement agencies do not have to face any consequence due to unbridled control over the judiciary. They neither have to face criticism in the mainstream media as a result of imposed censorships and self-censorships being practiced.

The government has now launched its 'war against drugs'. The incumbent Prime Minister Sheikh Hasina stated in a meeting at her official residence on 20 May 2018 that " - - - *You must have seen that operations against drugs have already started. We have delegated special responsibilities to all the law-enforcing agencies, intelligence agencies and RAB. Wherever there are drugs, tough measures will be taken...we are taking stringent measures.*"

The 'special responsibilities' that the Prime Minister refers to are actually orders given for conducting extrajudicial executions. Instantly, the law-enforcement agencies have been engaged in high number of murders using the excuse of 'gun battle' in the month of May 2018. The law-enforcement agencies have killed 52 people in the first 24 days of the month. Among them 49 were killed between May 15 and May 24. Of them, the Bangladesh Police killed 30 and the Rapid Action Battalion (RAB) killed 19. The situation appears to be insane on the ground as the number of extrajudicial executions rises everyday alarmingly.

The officials of the law-enforcement agencies claim that all the deceased persons were 'drugs peddlers'. According to the Police and the RAB, all these people were killed in 'gun fights' or 'gun battles' while allegedly found engaged in dealing with drugs. They also claim that the firearms and drugs are being seized from the crime scenes. In contrast, several families of the deceased have challenged the claims of the law-enforcement agencies.

Case-3: Four plain clothed people picked up Mr. Habibur Rahman on 17 May 2018 from the gate of Al-Falah Mosque of Chittagong city as soon as Habibur came out of the mosque after offering his mid-day prayers. Eyewitnesses informed about the abduction to Habibur's son Abdul Ali Rabbi, who prayed together with his father in the same mosque and came out few minutes later. The family went to the local offices of the law-enforcement agencies including the Kotwali Police, who denied of arresting Habibur. Later, the Rapid Action Battalion (RAB) announced that two suspected drugs dealers were killed in 'gun battle' on 17 May night while Habibur was one of the two victims. The family claims in a press conference at the Chittagong Press Club on 23 May that Habibur was fighting with his rivals over a land dispute with a group of influential people associated with the government and had several trumped up criminal cases against him. He was detained in prison in the trumped up cases and was released recently on bail. According to the family, there is another man named Habib Sheikh, who is allegedly a drugs dealer, supposed to be the actual suspect of RAB. However, a 'source' of RAB named Mosharraf Hossain misguided the RAB to save Habib Sheikh. After killing Habibur the RAB allegedly realised the mistaken identity and the misguiding by its source. Then, the RAB killed Mosharraf for misguiding the paramilitary agency, which consistently claimed that both Habibur and Mosharraf were drugs dealers.

Case-4: The police of Netrokona district picked up Mr. Amzad Hossain, an activist of the Jatiyatabadi Chhatra Dal (JCD) – student wing of the main opposition, Bangladesh Nationalist Party (BNP), from his house of Nagra Anandabazar village at 3:00 AM on 22 May 2018. Amzad's body was found near Bara Wari bridge on the bank of Konsha river after few hours. Amzad's family claims that the police and the ruling party people fabricated 13 politically motivated cases against him because of his activism as an activist of the opposition. He was detained on several occasions in those trumped up cases and continued protesting against the government each time after being freed on bail. The government has used the excuse of 'war on drugs' to finish him off. Amzad's brother Mahid Ahamed Ansari gave an interview to the Guardian newspaper of the United Kingdom. Since the interview was published in the newspaper's online edition on 25 May the police started chasing Mahid, who is currently hiding for his life.

Case-5: The Fulgazi police of Feni district killed two men named Sahmit Hossain Shamim – a farmer, and Moznu Mian Monir – an activist of the Jatiyatabadi Chhatra Dal of the opposition, Bangladesh Nationalist Party - in the night on 23 May 2018. According to the families, the police picked up both persons from home and sister's home, respectively. Later, the police demanded BDT 200,000 from Shamit's family and BDT 150,000 from Moznu's family. Both families were unable to pay such huge amount of bribes to the police. The two detainee's bullet riddled bodies were found in a field at Dakkhin Anandapur village – near Bangladesh – India border with Feni district in the early morning. The families are facing intimidations while they are living under surveillance of intelligence agencies and the police.

In all these cases, the law-enforcement agencies, especially the Police and the Rapid Action Battalion (RAB) have presented the same old story of 'encounter' accusing the victims as drugs dealers. They also claim that the so called drugs dealers' associates, who had ambushed at the crime scene before the arrival of the police or RAB, carried guns and opened fire at the law-enforcers, first, to provoke retaliation. In an alleged 'gun battle' the detained suspects receives bullet wounds causing deaths. All such 'operations' are conducted only in the night. The law-enforcement agencies have been telling the same pattern of story for around 2000 cases of extrajudicial executions in recent years.

These few cases briefly cited above are the tip of the iceberg in the context of Bangladesh's deeply rooted institutional inability to safeguard rights or afford redress. The cases expose the degree of lawlessness, coupled with inefficiency and non-professionalism of the law-enforcement agencies. It clearly indicates that the government of Bangladesh disrespects human rights at home and makes untrue statements in the Human Rights Council and other international platforms of its adherence to the human rights obligations.

The government has dragged down the criminal justice institutions to such a state that the law-enforcement agencies happily publicise the same style of stories for hundreds of cases. There is no credible institution in existence in the country to hold the perpetrators accountable for the ongoing spree of extrajudicial executions and other gross violation of human rights such as enforced disappearances. The incumbent government, which lacks legitimacy without having the people's mandate and retains power relying on the lethal force of the law-enforcement agencies, encourages the perpetrators through guaranteeing impunity and rewarding them in various ways.

The government has allegedly launched the 'war on drugs' and escalated extrajudicial and arbitrary executions for the purpose of deepening fear in the society and silencing the people in the lead up to the general elections this year. The people and the opposition parties have been demanding for a credible and inclusive general election under an independent caretaker government, which the incumbent Prime Minister Sheikh Hasina always rejects. She is accused of replicating the January 2014 style sham election when the ruling party won more than half of the parliamentary uncontested to renew her term in office. In one hand, there is not institution before which the government may be held accountable as there is no 'opposition' in the parliament. On the other hand, the government invests its utmost efforts to invite and enjoys applauses from the international community for housing the Rohingya refugees. In today's Islamophobic global political context, a government can comfortably hide its own grave human rights records behind the excuse of 'fighting militancy' and 'extending generosity to the Rohingya refugees' who survived genocide in Myanmar.

The ALRC urges the Council to assess Bangladesh's domestic human rights situation carefully and comprehensively and break its prolonged silence. The Member States and Observer States can check the ground realities of Bangladesh through their missions in the country and assist the Council and the Special Procedures' mandates to address the situation so that the spree of extrajudicial executions and other gross violations are dealt with appropriately and promptly for the objective of affording justice to the victims and preventing the recurrence of the crime.